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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/509,618

09/29/2004

Erik Baechle

47393

7841

1609

7590

12/01/2005

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EXAMINER

DONOVAN, LINCOLN D

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/509,618

Applicant(s)

BAECHLE ET AL.

Examiner

Lincoln Donovan

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09-29-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of embodiment 1 in the reply filed on 09-19-05 is acknowledged. The traversal is on the ground(s) that the embodiments appear to be able to be examiner in the present application without significant additional burden on the office. This is persuasive. The restriction requirement is withdrawn.

Drawings

The drawings are objected to because applicant should label boxes 36, 136, 38, 10 and 14. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 2, 4, 7 and 11 the phrase "may be" is not further limiting. Applicant should clearly set forth what structure and function for each portion claimed.

In claim 7, there is no antecedent basis for "the second control group."

In claim 8, there is no antecedent basis for "the second component set."

In claim 9, there is no antecedent basis for "the generator coil."

In claim 10, the phrase "desired manner" is not clear.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al. [US 6,609,738] in view of Geringer et al. [US 5,429,399].

Regarding claims 1-4, 7-8 Roth et al. disclose an electronic locking system [figure 2] comprising:

- a read head [24] having a plurality of magnetically actuated reedswitches [62, 64, 66];

- an electromagnetic actuator [18] responsive to signals from the magnetically actuated switches to lock or unlock an element [column 4, lines 42-60].

Roth et al. disclose everything claimed except the specific control function provided to the electromagnetic actuator.

Geringer et al. disclose an electromagnetic locking system [figure 4] having an electronically controlled actuator provided with specific control functions [column 6, line 67-column 7, line31].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a control function with the electromagnetic locking system of Roth et al., as suggested by Geringer et al., in order to provide specific control to the operation of the actuation of the locking system.

Regarding claims 5-6, the specific mounting locations of the sensor elements would have been an obvious design consideration based on the specific operating environment and application.

Regarding claim 10, Roth et al., as modified, shows the use of multiple sensors.

Regarding claim 11, Roth et al., as modified, discloses the sensor assembly being adjustable [column 9, lines 25-35].

Regarding claim 13, Roth et al., as modified, disclose everything claimed except the sensors being Hall detectors.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Hall detectors instead of reedswitches for the sensors in order to provide better electronic interaction.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roth et al., as modified, as applied to claim 1 above, and further in view of Donce [US 2004/0051608].

Roth et al., as modified, disclose everything claimed except the sensor being connected in series with the coil.

Donce discloses an electromagnetic actuator having a control circuit connected therewith [figure 3, paragraph 44].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the control circuitry in series with the coil of Roth et al., as modified, as suggested by Donce, in order to reduce the size of the device.

Conclusion

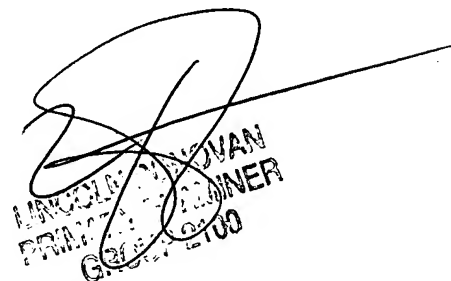
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lincoln Donovan whose telephone number is 571-272-1988. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Enad Elvin can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2832

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ldd



A handwritten signature in black ink is written over a circular official stamp. The stamp contains the text "MARCOLO M. SUAN", "PATENT EXAMINER", and "GROUP 2100".